

# **Local Development Scheme**

**July 2018**

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## Contents

<b>Section 1: Introduction</b>	
What is a Local Development Scheme?	5
Why are we updating it?	5
<b>Section 2: Existing Development Plan</b>	
National planning documents	6
Core Strategy and Policies for Managing Development	7
Thurrock Borough Local Plan	7
<b>Section 3: Documents previously in Preparation</b>	
Site Allocations Local Plan	8
<b>Section 4: Emerging Development Plan</b>	
South Essex Joint Strategic Plan	9
Thurrock Local Plan	10
Minerals and Waste Local Plan	11
<b>Section 5: Other Emerging Planning Documents</b>	
Supplementary Planning Documents	13
Interim Planning Guidance Notes	14
Local Plan process documents	15
Community Infrastructure Levy	16
Neighbourhood planning documents	16
<b>Section 6: Evidence Base</b>	
Integrated Sustainability Appraisal	17
Habitats Regulations Assessment	17
<b>Section 7: Nationally Significant Infrastructure Projects</b>	19
<b>Section 8: Implementation</b>	
Project management and reporting mechanisms	20
Resourcing plan making	20
Fulfilling our Duty to Cooperate	21
Managing risk	21

## **Appendices**

**Appendix 1: Saved Policies in the Thurrock Borough Local Plan**

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**Appendix 2: Local Development Scheme Timetable**

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**Appendix 3: Potential Risks to the Programme**

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## **SECTION 1: INTRODUCTION**

### **What is a Local Development Scheme?**

- 1.1 The Local Development Scheme is a timetable for the production of Local Documents and Supplementary Planning Documents that the Council is preparing, or intends to prepare. It is the starting point for residents and stakeholders to find out what planning policies relate to their area and how these will be reviewed. In addition this LDS also sets out information relating to the broader planning context including additional information on the Duty to Cooperate and Nationally Significant Infrastructure Projects.
- 1.2 This LDS covers a 3 year period from June 2018 to June 2021 and replaces all previous versions of the LDS.

### **Why are we updating it?**

- 1.7 Since the Council's previous LDS came into effect in December 2015 the Council has made significant progress in developing key parts of the Local Plan evidence base. These key evidence documents have indicated that the emerging Local Plan will need to explore opportunities for denser urban developments and green belt release if it is to meet its full objectively assessed housing needs over the next 20 years. This approach represents a radical change from the Council's current adopted planning policies. As such, the Council has undertaken additional more informal community consultation to ensure that the potential development options put forward in a formal Issues and Options Stage 2 document better match the needs and wants of both new and existing communities.
- 1.8 The other main reason for amending the LDS is due to Thurrock's participation in the newly formed Association of South Essex Local Authorities (ASELA)<sup>1</sup>. ASELA are currently exploring opportunities to produce a Joint Strategic Plan which when adopted would form part of each participating authorities Development Plan.

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<sup>1</sup> ASELA consists of The South Essex LPAs of Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea and Thurrock, together with Essex County Council

## **SECTION 2: EXISTING DEVELOPMENT PLAN**

### **National planning documents**

#### *National Planning Policy Framework*

- 2.1 The National Planning Policy Framework (NPPF) was published in March 2012 and sets out the presumption in favour of sustainable development. Core planning principles include the need to be plan-led and to pro-actively drive and support sustainable economic development. Paragraph 153 of the document states that a Local Planning Authority can review a Local Plan for its area in whole or in part to respond flexibly to changing circumstances. Various strategic priorities must be addressed in the Local Plan, including policies to deliver the homes and jobs needed together with any necessary retail, leisure and other commercial development. It is stressed that plans must be based on adequate, up to date and relevant evidence. In relation to housing, a Local Planning Authority should ensure that its evidence base looks at full objectively assessed needs for market and affordable housing in the housing market area. Any plan must be prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and be sound. The NPPF sets out the tests of soundness. An Annex relating to implementation specifies (Paragraph 215) that the weight to be attached to policies in existing plans depends on their degree of consistency with the NPPF (the closer the policies in the plan to the NPPF, the greater is the weight that can be given to them).

#### *National Planning Practice Guidance*

- 2.2 The National Planning Practice Guidance (NPPG) was launched in March 2014 and is updated as necessary by the Government. The guidance provides an wide range of planning matters, for example, there are sections on 'housing and economic development needs assessments' and on 'housing and economic land availability assessment'. The 'need' part of the guidance contains a detailed methodology as to how the objectively assessed need should be calculated.

#### *Planning Policy for Traveller Sites*

- 2.3 The Planning Policy for Traveller Sites document was published in March 2012 and should be read in conjunction with the NPPF. This sets out national policy for Traveller sites and requires Local Planning Authorities to work collaboratively to prepare a robust evidence base to establish accommodation needs and then set local targets for pitches and plots in a Local Plan. Appropriate sites should be allocated, to meet needs and enable the identification of a rolling five year supply of deliverable sites.

### *National Waste Planning Policy*

- 2.4 The Waste Management Plan for England was published in December 2013 and sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management. National Planning Policy for Waste was published in October 2014 and sets out detailed planning policies for waste within the framework provided by the national plan.

### **Thurrock Core Strategy and Policies for the Management of Development**

- 2.5 The Council adopted its Core Strategy and Policies for Management of Development Local Plan (Core Strategy) in December 2011. The Core Strategy sets out the Council's vision, spatial strategy and core policies for the development of Thurrock.
- 2.6 Following the publication of the NPPF, the Council identified a number of policies in the Core Strategy which requires updating to ensure that they were in full compliance with the NPPF.
- 2.7 In January 2015 the Council adopted a Focussed Review of the Core Strategy. The Focused Review effectively replaced policies CSSP5, CSTP8, CSTP23, CSTP25, CSTP26, CSTP27, CSTP28, CSTP31, PMD1, PMD2, PMD4, PMD6, PMD7, PMD10, PMD12, PMD15, PMD16, and some paragraphs of supporting text of the Core Strategy and introduced one wholly new policy - OSPD1. Some other paragraphs of supporting text are deleted. All other policies remain unchanged. The examination of the Focused Review did not endorse any of the unchanged policies as being consistent with the NPPF.

### **Thurrock Borough Local Plan (1997)**

- 2.8 Under the Planning and Compulsory Purchase Act 2004 (Transitional Provision) the policies in the Thurrock Borough Local Plan (Adopted 1997) were automatically saved. The saved Local Plan Policies were originally intended to be replaced by Thurrock's emerging Local Development Framework including:
- The adopted Core Strategy and Policies for Management of Development Local Plan;
  - The Site Specific Allocations DPD and Minerals and Waste DPD once they were adopted;
  - Supplementary Planning Documents
- 2.9 Appendix 1 sets out the remaining Local Plan policies and Annexes which the Council will be retaining until they superseded by policies in the emerging Local Plan and/or one of the emerging Supplementary Planning Documents.

### **Section 3: Documents previously in preparation**

#### **Site Allocations Local Plan**

- 2.10 The purpose of the Site Specific Allocations and Policies Local Plan (Site Allocations Local Plan) was to identify sites and allocate land for different types of uses required to deliver the scale of growth and development set out in the Adopted Thurrock Core Strategy to 2026, including sites for housing, employment, transport infrastructure and sites requiring environmental protection including open space.
- 2.11 The last public consultation on this document was the Further Issues and Options consultation in January 2013. The Further Issues and Options draft provided a summary and maps of sites which have been identified, their proposed allocated uses and an explanation of how sites were assessed.
- 2.12 Following a decision by Council in February 2014 to prepare a new local plan, this document will not be progressed.



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## SECTION 4: EMERGING DEVELOPMENT PLAN

### South Essex – Joint Strategic Plan

- 4.1 South Essex covers the local planning areas of Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea and Thurrock. It is strategically located on the edge of London and is well connected with several strategic roads linking communities within and outside South Essex. It is also an important national and international gateway, with three major ports on the Thames Estuary and London Southend Airport.
- 4.2 In July 2018 Cabinet approved a Statement of Common Ground between the Association of South Essex Local Authorities (ASELA). The Statement of Common Ground' was prepared to help manage strategic planning matters across local authority areas and strengthen the Duty to Cooperate. The statement also set out the project management arrangements for the emerging South Essex Joint Strategic Plan (South Essex JSP).
- 4.3 The South Essex JSP will be prepared jointly by all LPAs and Essex County Council. As such, its scope will therefore be focused on the strategic policy matters that are common across all six local planning areas as follows:
- South Essex Spatial strategy: distribution of growth, town centre hierarchy and setting long term extent of the Green Belt
  - Strategic Areas of Opportunity (SAO) and the role of each
  - Cross-cutting themes: including promoting social cohesion; healthy and inclusive growth; high quality development and design; supporting sustainable development; climate change
  - Overall housing provision, distribution across SAO and housing needs
  - Local industrial strategy priorities and spatial implications (including strategic employment land allocations).
  - Strategic transport and infrastructure priorities
  - Natural environment and resources, including green and blue infrastructure
  - Climate change and energy
  - Implementation and monitoring framework
- 4.4 A timetable for the key production stages of the JSP is shown in Table 1. It is important to note that some of the dates have less certainty, such as adoption dates, as they depend on the timing and length of examinations (indicated in italics). A full timetable for the production of all emerging planning documents is set out in Appendix 2.

- 4.5 In preparing the JSP full consideration will be given to relevant comments received towards individual authorities Local Plan Documents because of this ASELA are proposing to only undertake one Regulation 18 consultation.

Table 1 – Joint Strategic Plan Preparation Timetable

<b>Plan Preparation Stage</b>	<b>LDS Target Date</b>
Draft Joint Strategic Plan	February 2019
Publication Draft of the Joint Strategic Plan	December 2019
Submission of the Joint Strategic Plan	March 2020
<i>Adoption</i>	<i>November 2020</i>

### **Thurrock Local Plan**

- 4.6 The Council is progressing with the preparation of a new Local Plan covering the whole of the Thurrock Councils administrative area. This will replace, when adopted, all the existing development plan documents set out in Section 3.
- 4.7 The Thurrock Local Plan will build the strategic policies set out in the Joint Strategic Plan and include a range of strategic local policies, site allocations and more detailed policies looking at key development principles. Policies relating to Minerals and Waste will be developed through a separate Local Plan document.
- 4.8 A timetable for the key production stages of the Local Plan is shown in Table 2. It is important to note that some of the dates have less certainty, such as adoption dates, as they depend on the timing and length of examinations (indicated in italics). A full timetable for the production of all emerging planning documents is set out in Appendix 2.
- 4.9 As work on the emerging Joint Strategic Plan continues there may be a need to review the scope of the Thurrock Local Plan and create a separate strategic sites plan to be examined alongside the South Essex JSP.

Table 2 – Thurrock Local Plan Preparation Timetable

<b>Plan Preparation Stage</b>	<b>LDS Target Date</b>
Issues and Options Stage 1: Strategic Policies	February/March 2016
Issues and Options Stage 2: Spatial Options and Sites	July 2018
Draft Local Plan	September 2019
Publication Draft of the Local Plan	September 2020
Submission of the Local Plan	November 2020
<i>Adoption</i>	<i>July 2021</i>

### **Minerals and Waste Local Plan**

- 4.10 The purpose of the Minerals and Waste Local Plan (MW Local Plan) is to implement the strategic vision and policies for minerals and waste. This will be achieved through the use of several criteria based and land use based policies. The MW Local Plan is a new planning document and is not associated with the 2009 Minerals and Waste Development Plan Document although the Council will take into considerations comments made against the previous plan that deemed to still be relevant.
- 4.11 A timetable for the key production stages of the MW Local Plan is shown in Table 3. It is important to note that some of the dates have less certainty, such as adoption dates, as they depend on the timing and length of examinations (indicated in italics). A full timetable for the production of all emerging planning documents is set out in Appendix 2.

Table 3 – Minerals and Waste Local Plan Preparation Timetable

<b>Plan Preparation Stage</b>	<b>LDS Target Date</b>
Issues and Options	March 2019
Draft Local Plan	September 2019
Publication Draft of the Local Plan	September 2020
Submission of the Local Plan	November 2020
<i>Adoption</i>	<i>July 2021</i>

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## SECTION 5: OTHER EMERGING PLANNING DOCUMENTS

### Supplementary Planning Documents

- 5.1 Supplementary Planning Documents (SPDs) are produced to expand on policies within Local Plan Documents, providing additional information and guidance. They can be topic based or site specific. The Council is currently intending on preparing 6 SPDs to support the adopted Development Plan. Table 4 sets out the preparation timetable for these SPDs.

Table 4 – Supplementary Planning Document Preparation Timetable

Document name and description	Plan preparation stage	LDS target date
<b>Thurrock Design Guide – Design Strategy SPD</b>  This SPD sets out the Council’s core design principles ensuring that future development in the borough is of the highest design standards.	Public Consultation on Draft	February 2016
	Adoption	March 2017
<b>Thurrock Design Guide – Residential Alterations and Extensions SPD</b>  This SPD builds on the principles set out in the Design Guide SPD and sets out detailed guidance for residential extensions and alterations.	Public Consultation on Draft	April 2017
	Adoption	July 2017
<b>Thurrock Design Guide – New Residential Developments SPD</b>  This SPD builds on the principles set out in the Design Guide SPD and sets out detailed guidance for new residential developments.	Public Consultation on Draft	June 2019
	Adoption	December 2019

<p><b>Thurrock Design Guide – Industrial Areas SPD</b></p> <p>This SPD builds on the principles set out in the Design Guide SPD and sets out detailed guidance for new developments in industrial areas.</p>	Public Consultation on Draft	December 2018
	Adoption	June 2019
<p><b>Thurrock Design Guide – Town Centres and Transport Hubs SPD</b></p> <p>This SPD builds on the principles set out in the Design Guide SPD and sets out detailed guidance for new developments including change of use and public realm improvements in town centres and near transportation hubs.</p>	Public Consultation on Draft	June 2019
	Adoption	December 2019

<p><b>Planning Obligations SPD</b></p> <p>This SPD sets out the circumstances in which planning obligations are likely to be required and, where possible, provides details on the type and level of contribution required.</p>	Public Consultation on Draft	March 2019
	Adoption	October 2019

### **Interim Planning Guidance Notes**

- 5.2 Interim Planning Guidance Notes fall outside of the statutory procedures for Local Plan adoption as such it will not form part of Thurrock Council's Development Plan. These guidance notes will however be relied upon as a material consideration in the determination of planning applications.
- 5.3 The Council is currently intending on producing two Interim Planning Guidance Notes one on Off Site Affordable Housing Contributions and one on Health Impact Assessments. A timeline for the preparation of these documents is set out in Appendix 2.

## **Local Plan process documents**

### *Local Development Scheme (LDS)*

- 5.4 The Council's Local Development Scheme (LDS) is a rolling programme for the preparation of planning documents that will form Thurrock's new Local Plan.

### *Statement of Community Involvement (SCI)*

- 5.5 The 2004 Act required each Local Planning Authority to prepare a Statement of Community Involvement (SCI) as one of the first documents in its Local Development portfolio. The SCI describes how the Council will engage the community and others in preparing planning documents such the Local Plan, and in dealing with planning applications. The current SCI was adopted by the Council in November 2015. Consultation on a revised SCI is scheduled to commence in July 2018. It is anticipated that the revised SCI will be adopted in December 2018.

### *Authority Monitoring Report (AMR)*

- 5.6 The Localism Act 2011 requires every authority to produce reports containing information on a number of topics including:
- The implementation of the LDS;
  - The progress and effectiveness of the Local Plan;
  - The extent to which the planning policies set out in the Local Plan documents are being achieved.
- 5.7 Changes brought in by the Act introduced greater flexibility in how Authority Monitoring Reports (AMR) can be produced. Before the Act the Council had to publish the AMR annually as a single report. The removal of the requirement to produce a single report and the suggestion by the Government that Council's should aim to publish monitoring information more frequently has prompted the Council to re-evaluate the way it reports on monitoring for planning purposes.
- 5.8 The amalgamation of the key information reported on in the AMR with other existing Council documents has reduced the level of repetition within existing monitoring mechanisms, improved consistency in reporting and made it easier to update key figures. These mechanisms are presented as hyperlinks on a dedicated AMR webpage to ensure that information can be easily accessed and is presented in a user-friendly way.
- 5.9 Information relating to the implementation of the Local Development Scheme is set out in this document and will be updated as and when appropriate in future LDS's.

## Community Infrastructure Levy Charging Schedule

- 5.10 The Community Infrastructure Levy (CIL) Charging Schedule is not a Local Plan document or SPD but is a planning document that sits alongside the Local Plan that is subject to an independent examination. It will also need to operate alongside the Planning Obligations SPD as Section 106 negotiations can still be used for site specific mitigation or local infrastructure provision that is not covered by CIL.
- 5.11 The Council has consulted on a Draft Charging Schedule (May 2013) and is now in the process of reviewing the viability evidence base as part of the Local Plan making process. It is now intended to prepare a new Draft Charging Schedule to be submitted for examination following the adoption of the Thurrock Local Plan in 2021.

Plan Preparation Stage	LDS Target Date
Consultation on Preliminary Draft Charging Schedule (Regulation 15)	September 2020
Publication of Draft Charging Schedule (Regulation 16)	July 2021
Submission of the Local Plan	September 2021
<i>Approval and implementation</i>	<i>June 2022</i>

## Neighbourhood planning documents

- 5.12 The Localism Act 2011 introduced new rights and powers to allow local communities to shape how their local areas develop and change by preparing Neighbourhood Development Plans (NDP) or Neighbourhood Development Orders (NDOs). In Thurrock only designated Neighbourhood Forums are able to produce NDPs and NDOs.
- 5.13 In accordance with planning legislation, the Council has a statutory duty to advise or assist communities in the preparation of NDPs and NDOs. At the time of publication the Council had not received any applications by community groups to be designated as a Neighbourhood Forum and/or received any formal requests for support.



## SECTION 6: EVIDENCE BASE

- 6.1 The NPPF makes it clear that it expects Local Plans to be informed by a robust and credible, proportionate evidence base. A sound evidence base is crucial to the successful preparation of the Local Plan. It will allow the Council to produce a Plan that addresses difficult issue, is deliverable and will be vital in demonstrating the soundness of the Plan at the independent examination stage.
- 6.2 The emerging Thurrock Local Plan will be informed by a range of information including background studies, research, surveys and feedback documents. Many of the studies that will form the evidence base will be undertaken by the Council and consultants acting on behalf of the Council. Others are likely to be undertaken in partnership with other Local Authorities to take account of any issues or opportunities affecting neighbouring areas and the wider region.

### **Integrated Sustainability Appraisal**

- 6.3 Under the 2004 Act, Development Plan Documents must be subject to a Sustainability Appraisal which incorporates the requirement of European Directive 2001/42/EC and relevant English regulations that all plans and programmes likely to have significant effects on the environment must be subject to Strategic Environmental Assessment. Sustainability Appraisal is an iterative process which is closely integrated with the overall process of preparing a Local Plan with their being a need to undertake a sustainability appraisal at each key stage of the plan-making process.
- 6.4 The Council has commissioned an Integrated Sustainability Appraisal to be prepared and published alongside the Local Plan. This appraisal will integrate our approach to the SA and SEA with other statutory and non-statutory assessments including:
- Equalities Impact Assessment (EqIA); and
  - Health Impact Assessment (HIA)
- 6.5 The integration of these other assessments ensures that a collaborative approach is undertaken on different issues, sharing knowledge and recognising links between topics in a consistent and transparent manner. It will also play an important part in demonstrating its soundness.

## **Habitats Regulations Assessment**

- 6.6 Plans and projects which have the potential to affect sites designated by the European Union as sites of nature conservation importance have to be assessed against the requirements of the Habitat Regulations<sup>2</sup>. A Habitats Regulations Assessment (HRA) must therefore be carried out on Local Plan Documents to determine whether they are likely to have any significant effects on the integrity of any European Sites, including those in neighbouring areas.

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<sup>2</sup> The Conservation of Habitats and Species Regulations 2010

## SECTION 7: NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECTS

6.1 Infrastructure projects dealt with by the Planning Inspectorate are known as Nationally Significant Infrastructure Projects (NSIPs). Projects are within the five general fields of energy, transport, water, waste water and waste. Projects thresholds are set out in sections 15-30 of the 2008 Planning Act.

6.2 Since the publication of the last LDS the Planning, Transport and Public Protection service has continued to play an active role in coordinating and inputting into infrastructure projects that could have a significant impact on Thurrock. There are currently 3 NSIP projects registered with the planning inspectorate within Thurrock and 1 NSIP registered in an adjacent authority, they are:

- **Tilbury2** - Proposed new port facility acting alongside the existing Port of Tilbury. This will involve the extension of existing jetty facilities and the dredging of berth pockets in the River Thames, and land works and facilities for: a “Roll-On / Roll-Off” (Ro-Ro) terminal for importing and exporting containers on road trailers; a facility for importing and processing bulk construction materials; and areas of external storage for a variety of goods such as imported cars.
- **Tilbury Energy Centre** – Proposed combined cycle gas power station with a generating capacity up to 2500 megawatts (MW), open cycle gas turbines with a generating capacity up to 300MW and an energy storage facility.
- **Lower Thames Crossing** – Proposed a new road crossing connecting Essex and Kent. Located east of Gravesend and Tilbury.
- **The London Resort** – Proposed leisure and entertainment resort on Swanscombe peninsula in Kent. Resort is anticipated to include a theme park, hotels, bars, restaurants, business space, training academy, monorail and associated infrastructure works.

6.3 More information on National Infrastructure Planning including the process for determining applications can be found on the National Infrastructure Planning webpage – [www.infrastructure.planninginspectorate.gov.uk](http://www.infrastructure.planninginspectorate.gov.uk)

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## SECTION 8: IMPLEMENTATION

### Project management and reporting mechanisms

#### South Essex Joint Strategic Plan

- 8.1 ASELA has overall responsibility for implementing the South Essex 2050 Ambition and therefore the JSP as one of the main work streams. However, statutory decision-making powers will remain with the individual LPAs who will be asked to make decisions, based on advice from ASELA, at key stages in the plan's preparation.
- 8.2 Preparation of the JSP is steered by a Members' Group comprising a representative from each of the LPAs and Essex County Council. Arrangements for how this works in relation to the wider decision-making is set out in the JSP Memorandum of Understanding in Annex 2. A key part of the risk management arrangements is ensuring that there is buy-in from the wider local authority membership throughout the preparation process, given the challenging issues this will have to address. A Member Sounding Board will therefore be established to provide cross-party representations on the JSP at key stages.
- 8.3 Overall project management for preparation and implementation of the JSP is provided by the JSP Project Delivery Board (PDB), comprising the relevant Heads of Service from each of the partner authorities.
- 8.4 Although there is a statutory minimum requirement for public consultation and engagement with statutory consultees, there is also a legal requirement under the Duty to Cooperate to ensure that there has been positive, effective and ongoing cooperation with neighbouring authorities in Essex, Kent and London, including the Mayor of London. The engagement and consultation processes will be set out in the JSP's Statement of Community Involvement, due to be published alongside the Statement of Common Ground.
- 8.6 Developing a long-term spatial planning framework that is deliverable will also require ongoing engagement with a number of important strategic stakeholders, including those also subject to the Duty to Cooperate. Alongside the statutory engagement process, therefore, ASELA is developing a wider engagement strategy which will involve a number of key strategic stakeholders such as:
  - Government Officials and Ministers
  - South Essex MPs

- Thames Estuary Commission
- Economic partners (e.g. Opportunity South Essex and the South East Local Enterprise Partnership)
- Transport partners (e.g. Highways England and Transport East (Sub-National Transport Forum) and the Mayor of London.
- Environmental partners (e.g. Environment Agency, Natural England, Greater Thames Natural Improvement Partnership, English Heritage)
- Delivery partners (e.g. Homes England, house builders and utilities providers)

#### **Plan documents prepared solely by Thurrock Council**

- 8.7 The Growth and Strategy Team will lead on the production of planning policy documents that are being prepared solely for use with Thurrock. Where appropriate the Growth and Strategy Team will work with other Council services to ensure that emerging policy documents are positively prepared and based on a sound understanding of community needs and wider corporate priorities.
- 8.8 The production of the Local Plan will be generally overseen by the Cabinet Member for Regeneration in discussion with the Leader and Deputy Leader of all elected political parties with Thurrock. In addition, the relevant Overview and Scrutiny Board will also advise on key decision, which will need to be made at Cabinet or Full Council.

#### **Financial Resources**

- 8.9 There is a dedicated budget for plan making to cover the basic costs of preparing planning policy documents. Recently the Council has sought to increase this budget by utilising a percentage of the planning fees uplift to support plan making and fund additional posts in the service.
- 8.10 The Council will also explore the potential to secure additional funding and “in kind” assistance from key delivery partners, including the Government in order to assist in the development and delivery of key infrastructure requirements and an increase in housing delivery rates.
- 8.11 The Council will also be actively encouraging promoters of key/strategic sites to enter into a policy led planning performance agreement (PPA)<sup>3</sup>. Policy PPA’s would be used a project management tool which enable all parties to be clear about what is required of them at all stages of the plan making process. The cost

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<sup>3</sup> It should be noted that Policy PPA’s and the process of undertaking the PPA will in no way prejudice or pre-judge the outcome of plan making in Thurrock and/or the wider South Essex area.

of a PPA will depend on the scale of the proposed site, the resources required and input from officers for the project. It will be based on daily rates for officers, including overheads. We may need to bring in additional expertise or temporary staff, which will be funded by the site promoter.

8.12 The funding streams identified above will be required to fund:

- Staffing costs;
- Additional technical evidence;
- Interactive online mapping tools
- Consultation costs associated with printing, exhibitions, venue hire and advertising including costs associated with the Duty to Cooperate;
- Costs associated with the Examination in Public for the Local Plan, including hiring a Programme Officer and Planning Inspectorate fees;
- Legal costs arising from any legal challenges to any part of the Council's Local Plan preparation; and

#### **Duty to cooperate**

- 6.1 The Duty to Cooperate was created in the Localism Act 2011, and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local and Marine Plan preparation in the context of strategic cross boundary matters.
- 6.2 The Government is clear that the duty to cooperate is not a duty to agree. But it is expected that local planning authorities should make every effort to secure the necessary cooperation on strategic cross boundary matters before they submit their Local Plans for examination.
- 6.3 The Council's active participation in ASELA and its commitment to exploring opportunities to create a Joint Strategic Plan for South Essex will go some way towards demonstrating that the Council has fulfilled its duty.
- 6.4 In addition, the Council will continue to actively engage and collaborate with adjoining local authorities, the Mayor of London and London Boroughs on strategic planning matters by participating in established forums, duty to cooperate workshops and meetings with individual authorities.

## **Risk management**

8.13 It is difficult to foresee all potential risks that may affect plan making. However, the main areas of perceived risk in terms of meeting the targets in the Local Development Scheme are set out in Appendix 3 along with suggested mitigation measures.

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## Appendix 1 – Saved Thurrock Borough Local Plan Policies

Policy Ref	Policy Subject
BE3	Urban Open Spaces
GB4	Established Residential Frontages
LN7	Thames Chase (The East London Community Forest)
LN10	Protected Lanes
LN12	Development Proposals and Nature Conservation
LN15	Sites of Importance for Nature Conservation
LN16	Areas of Local Nature Conservation Significance and Ecological Corridors
LN16A	Thames Foreshore Ecological Corridor- Industrialised Areas
H11	Infill Development: Backland Development and Residential Precincts
H15	Gypsy Caravan Sites
E1	Development within Primary Industrial and Commercial Areas
E2	Land for New Industrial and Commercial Development in Primary Areas
E3	Development within Secondary Industrial and Commercial Areas
E4	Land for New Industrial and Commercial Development in Secondary Areas
E8	Oil Refineries

E9	Oil and Chemical Storage
SH1	Major Retail Developments
SH3	Grays Shopping Centre – Additional Retail Floorspace
SH6	Existing Town Centres – Additional Retail Floorspace
SH8	New Local Shopping Facilities
SH10	Non-Retail Uses in District and Local Shopping Centres
SH11	Non-Retail Uses in Neighbourhood Shopping Parades
SH12	Non-Retail Uses in Other Parades and Isolated Shops
LR4	Provision of Additional Open Spaces
LR5	Retention of Existing Open Spaces
LR6	Open Space Provision in New Housing Developments
LR15	Proposed Mardyke Country Park
LR17	Extension of Footpath and Bridle
T2	New Road Building
T3	Road Improvements Schemes
T6	Traffic Management
T8	Existing and New Public Footpaths
T11	Cycleways
T15	Improved Passenger Interchange Facilities
T17	Railways – Passenger Facilities

T18	Railways – Freight Facilities
T19	Waterways – Passenger Facilities
T20	Waterways – Freight Facilities
MLP1	Minerals Reserves
MLP2	Mineral Need
MLP3	Transportation
MLP4	Non-Preferred Sites
MLP5	Aggregate Recycling
MLP6	Site Considerations
MLP7	Dredged Materials
MLP8	Restoration and Agriculture
MLP9	Working and Reclamation
MLP10	Processing and Plan Buildings
MLP11	Processing and Plan Buildings
MLP12	Programming
MLP13	Development Control
Annexe 1	Criteria Relating to the Control of Development in Residential Areas
Annexe 2	Criteria Relating to the Conversion of Existing Dwellings to Flats
Annexe 4	Established Residential Frontages in the Green Belt

Annexe 7	Sites Designated for Nature Conservation
Annexe 8	Criteria Relating to the Control of Residential Development in the Green Belt
Annexe 9	Infill and Backland Development – Residential Precincts

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**Appendix 2 – Local Development Scheme Timetable**

PP – Plan preparation stage PC – Public consultation S – Submission EIP – Examination in Public A – Adoption

	2015				2016				2017				2018				2019				2020				2021							
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4				
Statement of Community Involvement	PP		PC	A									PP		PC	A																
Joint Strategic Plan														PP		PC	PP	PC	S	EIP	A											
Thurrock Local Plan		PP				PC				PP				PC			PP	PC			PP	PC	S	EIP	A							
Minerals and Waste Local Plan														PP		PC	PP	PC			PP	PC	S	EIP	A							
Thurrock Design Guide (TDG) – Design Strategy SPD		PP				PC		PP		A																						
TDG – Residential alterations and extensions SPD								PP		PC	A																					
TDG - New Residential Developments SPD														PP		PC	PP	A														
TDG - Industrial Areas SPD														PP		PC	PP	A														
TDG – Centres and Transport Hubs SPD														PP		PC	PP	A														
Planning Obligations SPD														PP		PC	PP	A														
Affordable Housing IPGN														PP		PC	A															
Health Impact Assessment IPGN														PP		PC	A															
Community Infrastructure Levy																			PP		PC		PP		PC	S						

## Appendix 3 – Potential Risks to the Programme

### South Essex Joint Strategic Plan

IDENTIFIED RISK	MITIGATION MEASURES
<p>Unable to meet JSP timetable (e.g. due to protracted decision-making process, technical delays due to procurement of evidence, staff resources, Planning Inspectorate unable to meet timetable)</p>	<ul style="list-style-type: none"> <li>• Project Delivery Board to monitor progress against 'key milestones' and work programme, highlighting any risks at early stage to ASELA and agree how this is to be managed – actions will depend on issue e.g. resources</li> <li>• ASELA to agree a standardised approach to decision-making, with each partner authority working with their committee services to provide streamlined approach at key stages and ensure this does not add unnecessary time to the process. Delegated authority to ASELA for some stages to be explored</li> <li>• Procurement processes to be agreed by ASELA to ensure JSP work treated as a priority and procurement facilitates timely commissioning and appointment of consultancy support. This should allow for bespoke tendering and procurement approach and commitment to fund agreed technical programme to expedite procurement process. This should also address particular constraints that may arise as a result of OJEU considerations and thresholds.</li> <li>• Development of evidence base will be focused on strategic priorities with any potential 'mission creep' flagged by project manager as soon as possible.</li> <li>• Evidence base and external support considered at 'pre-commencement' stage with project management/intelligent client function, budget and timescales secured.</li> <li>• A full audit of existing resources and capacity to be undertaken by ASELA at the JSP commencement stage.</li> <li>• Where lack of capacity and/ or conflicts of interest within private sector arise, alternative options should be considered at an early stage in the plan preparation process e.g. internal training and development to fill any potential gaps, different consultants procured to deliver components of larger projects where single provider cannot be secured.</li> <li>• Early discussion with Planning Inspectorate to ensure timetable for Examination can be met – Government to promote SE JSP as a priority if necessary.</li> </ul>
<p>Government intervention destabilises JSP process</p>	<ul style="list-style-type: none"> <li>• Early engagement with Government Ministers and senior Civil Servants to explore options around intervention mechanisms, highlighting risks to JSP progress.</li> <li>• Agree key milestones with MHCLG with regular updates from ASELA.</li> <li>• ASELA to support LPAs 'at risk' to meet published plan timetables</li> <li>• All South Essex Local Development Schemes (LDS) to be updated to reflect the new joint planning arrangements by July 2018 and kept up to date as plans are progressed.</li> </ul>
<p>One or more partner local plans are found unsound with regards to the strategic matters and/ or fail to comply with the Duty to Cooperate.</p>	<ul style="list-style-type: none"> <li>• Any issues that risk the overall approach to the shared 2050 ambition or imply that there is not agreement on the JSP spatial strategy or key strategic matters will be highlighted to ASELA as soon as it becomes apparent to allow for the matters to be resolved at a South Essex level</li> </ul>

IDENTIFIED RISK	MITIGATION MEASURES
Thames Estuary Commission undermines SE2050 Ambition and spatial strategy of JSP	<ul style="list-style-type: none"> <li>• Early and ongoing engagement between ASELA and Thames Estuary Commission to ensure alignment of growth ambitions on delivery strategy</li> <li>• Early and ongoing engagement with relevant Government Ministers and senior Civil Servants to ensure they fully understand SE2050 Ambition and role of LAs in delivering this and secure a Housing Deal.</li> </ul>
Key place shaping infrastructure is not delivered in order to facilitate strategic growth options	<ul style="list-style-type: none"> <li>• ASELA provides support in the engagement with strategic infrastructure providers and Government as part of the SE2050 implementation process and development of the JSP to ensure that their priorities reflect the strategic infrastructure priorities of the South Essex Authorities and facilitate delivery of the</li> <li>• ASELA to support Thurrock and ECC in its negotiations with Highways England, the National Infrastructure Commission and Government specifically in relation to the Lower Thames Crossing to ensure that the final agreed route facilitates delivery of the SE2050 Ambition and the spatial strategy of the JSP.</li> </ul>
Change in Government which changes to national policy/legislation and/or change in national funding priorities	<ul style="list-style-type: none"> <li>• Robust SE2050 developed with risk management built in to delivery plan(s) to ensure contingency funding and approach to deliver same outcome.</li> <li>• Robust evidence-base to justify overall approach even if not in conformity with new national policy</li> <li>• Procure legal advisers to assess and highlight potential risks at early stage and ensure contingency approach with secures same overall outcome.</li> <li>• work with MHCLG, PAS and PINs to ensure ongoing conformity with national policy and legislation.</li> </ul>
Partners unable to agree JSP at key stages (e.g. due to change in political leadership, lack of political consensus on key policy direction, competing priorities)	<ul style="list-style-type: none"> <li>• ASELA ensure new leadership fully informed of JSP process and SE2050 Ambition</li> <li>• ASELA/Planning MoU to ensure agreement to JSP</li> <li>• Members Sounding Board established to ensure cross-party involvement and ownership in JSP</li> <li>• Communications strategy prepared to ensure ongoing briefings and opportunities to engage in JSP preparation are provided for all Members of partner authorities</li> <li>• Continuity in JSP member Steering Group throughout preparation process ASELA/Planning MoU to ensure agreement to JSP</li> </ul>
Resources and skills	<ul style="list-style-type: none"> <li>• ASELA to set a realistic budget for JSP preparation, taking into account all potential internal and external sources of funding (including Planning Delivery Fund, potential funding from growth deal to support capacity)</li> <li>• Secure project management support during pre-commencement stage</li> <li>• Focus on key policy areas and evidence needed to support this (i.e. keep to agreed scope)</li> <li>• Agree training and development programme to fill gaps and upskill existing officers to reduce need to procure externally</li> <li>• Work on 'South Essex' basis, ensuring making the more effective and efficient use of all resources and skills across all 7 partner authorities</li> </ul>

IDENTIFIED RISK	MITIGATION MEASURES
External stakeholders undermine SE2050 Ambition/ JSP Spatial strategy	<ul style="list-style-type: none"> <li>• Establish a stakeholder sounding board to ensure ongoing commitment / support from strategic stakeholders</li> <li>• Prepare a robust framework to ensure compliance with Duty to Cooperate and engagement with Statutory Consultees</li> <li>• Prepare a Statement of Community Involvement at the start of the formal JSP preparation process (June 2018) and agree with stakeholder sounding board.</li> <li>• Agree an approach with Government to support emerging SE2050 ambitions whilst JSP is prepared and reduce the risks of stakeholders undermining delivery e.g. deviation for national policy on 5YLS requirements / Housing Delivery Test to reduce risks of speculative planning applications, alignment of approach by government bodies (e.g. Homes England, Highways England, Environment Agency).</li> </ul>
Evidence base highlights significant challenges in delivering the JSP Spatial Strategy and SE2050 Ambitions	<ul style="list-style-type: none"> <li>• Identify potential challenges in JSP Delivery Plan (e.g. infrastructure funding) and agree risk management plan for addressing</li> <li>• Consider contingency approach which will still deliver same outcome.</li> </ul>
Public consultation attracts opposition and seeks to undermine SE2050 Ambition/ JSP Spatial strategy	<ul style="list-style-type: none"> <li>• Communications strategy prepared to ensure ongoing briefings and opportunities to engage in JSP preparation are explained for all partner authorities</li> <li>• Case for change articulated by highlighting benefits of growth and investment in infrastructure</li> </ul>

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IDENTIFIED RISK	RISK IMPACT	MITIGATION MEASURES	MANAGED RISK
<p><b>Availability of resources</b></p> <p>Preparing planning policy documents can be very resource intensive and expensive. Depending on the scope of the document being prepared there is usually a need to produce and/or commission technical evidence, undertaken a comprehensive programme of community engagement and support the examination process. Legal challenge prior to adoption could also mean further, unforeseen costs and legal fees.</p> <p>To ensure that the deadlines set out in the program are met, the Council needs to ensure that there are enough experienced planning policy officers and other planning specialists to develop policy documents and evidence and to act as an intelligent client in the commissioning of further technical evidence.</p>	<p><b>High</b></p>	<ul style="list-style-type: none"> <li>• Ensure that the preparation of the Local Plan is recognised as a key Council priority for corporate funding.</li> <li>• Ensure that the Local Plan Budget is subject to regular monitoring and profiling to ensure that any pressures can be identified early.</li> <li>• Explore the opportunities for joint working and commissioning of a shared evidence base with Government, neighbouring LAs, landowners and key delivery partners.</li> <li>• Explore the opportunities for joint working and the commissioning of a shared evidence base with Government, neighbouring LAs, landowners and key delivery partners.</li> <li>• Consider the opportunities to ‘second’ staff from other teams and Directorates to support the Growth and Strategy Team in preparing the Local Plan.</li> <li>• Employ temporary staff and where appropriate consultants.</li> <li>• Provide satisfying work, a supportive environment and opportunities for personal development.</li> </ul>	<p><b>Medium</b></p>
<p><b>Changing political priorities</b></p> <p>Thurrock Council comprises of a mixed membership across the political spectrum because of the timelines involved in producing the emerging Local Plan and other policy documents there is the potential that political priorities may shift during the preparation of the plan. If these priorities result in significant changes to the emerging development plan then additional consultation and/or technical evidence would be required.</p>	<p><b>Medium</b></p>	<ul style="list-style-type: none"> <li>• Ensure that the plan-making process is underpinned by a robust evidence base and proper assessment of all the spatial options leading to the selection and development of the preferred option.</li> <li>• Ensure that the plan-making process is taken forward with full cross party support and active member involvement.</li> <li>• Keep the LDS under review and amended accordingly</li> </ul>	<p><b>Medium</b></p>
<p><b>Stakeholder opposition</b></p> <p>The emerging Local Plan will address contentious issues that could give rise to significant stakeholder opposition. This could lead to a higher volume of work in processing and analysis of representations than accounted for in the LDS timetable</p>	<p><b>High</b></p>	<ul style="list-style-type: none"> <li>• Every effort will be made to build cross-community consensus through early and continuous engagement with stakeholders and local community, as well as ensuring that the plan-making process is built on a sound, robust and transparent evidence base.</li> <li>• In order to minimise the potential for delay caused by the receipt of a significant volume of representations to the plan, the Council will examine the options available to fully or partially digitise the public consultation to reduce the time and cost of manually collating, analysing and responding to the representations received.</li> <li>• Consideration will also be given to seconding staff from other teams and Directorates to assist the process.</li> </ul>	<p><b>Low</b></p>

IDENTIFIED RISK	RISK IMPACT	MITIGATION MEASURES	MANAGED RISK
<p><b>Legal challenge</b></p> <p>A legal challenge could be lodged against a Local Plan document within 6 weeks of its adoption. The degree to which this could occur is uncertain due to the relatively new Local Plan system created by changes made to the Planning Acts, by the Localism Act 2011.</p>	<p><b>Medium</b></p>	<ul style="list-style-type: none"> <li>• Ensure that the plan is prepared in accordance with all relevant legal and procedural requirements.</li> <li>• Ensure that the plan is based on a sound, robust and credible evidence base.</li> <li>• The Council will work closely with PINs throughout the course of preparing and examining the plan to ensure full legal compliance with the relevant legislation and regulations.</li> </ul>	<p><b>Low</b></p>
<p><b>Capacity of Planning Inspectorate to deliver examinations/reports to timetable</b></p> <p>Since 2010, the Planning Inspectorate's remit has expanded. Despite recent efforts to recruit additional Inspectors, there remains a risk that demands for Inspectors to serve Examinations in Public may outstrip the supply.</p>	<p><b>High</b></p>	<ul style="list-style-type: none"> <li>• Maintain an open dialogue with PINS during the preparation of the Local Plan during the Regulation 19 stage to confirm whether timescales can be met by both organisations.</li> </ul>	<p><b>High</b></p>
<p><b>Changes to the planning system</b></p> <p>Introduction of new national planning policy, legislation and guidance including review of NPPF and standard methodology for calculating housing need may require the Council to undertake additional work.</p> <p>In addition there is still the potential for designated neighbourhood forums to produce neighbourhood plans in the borough. The production of these plans would divert officer time away from producing planning policy documents like the emerging local Plan.</p>	<p><b>High</b></p>	<ul style="list-style-type: none"> <li>• Keep up to date with changes and transitions arrangements for national planning policies and respond to changes early.</li> <li>• Ensure that as much information as possible is available to any groups wishing to prepare a Neighbourhood Plan to reduce the burden on existing staff resources.</li> </ul>	<p><b>Medium</b></p>
<p><b>Continued uncertainty over the Lower Thames Crossing (LTC)</b></p> <p>The proposed Lower Thames Crossing is a Nationally Significant Infrastructure Project. Any decision to locate the new crossing in the Borough could have a major impact upon the future economic and spatial geography of Thurrock and will need to be taken into account when preparing the Local Plan. This includes the possible need to consider and plan for the potential economic, environmental and transport impacts arising out of the LTC and a corresponding need to safeguard the alignment of the route.</p>	<p><b>High.</b></p>	<ul style="list-style-type: none"> <li>• Continue to keep this matter under review and will commission the production of the Local Plan evidence base by adopting a staged approach towards the commissioning of necessary technical work, and where appropriate, assessing a range of alternative scenarios and development assumptions to consider their potential implications for the plan-making process.</li> <li>• Engage with Government, the Duty to Cooperate authorities and key stakeholders to ensure that any change in the status of the scheme is properly considered in the context of the need to progress the preparation of the Local Plan in an effective and efficient way.</li> <li>• Ensure that the plan-making process is taken forward with full cross party support and active member involvement.</li> <li>• Keep the LDS under review and amended accordingly.</li> </ul>	<p><b>High</b></p>
<p><b>The ongoing review of the London Plan</b></p>	<p><b>High</b></p>	<ul style="list-style-type: none"> <li>• Continue to engage with the Mayor, the GLA and the Duty to Cooperate authorities to ensure that any future decisions on whether</li> </ul>	<p><b>Medium</b></p>

IDENTIFIED RISK	RISK IMPACT	MITIGATION MEASURES	MANAGED RISK
<p>The ongoing review of the London Plan could also have a number of implications for programme for preparing the new Local Plan. This stems from the possible need to accommodate some of London's future housing needs, with major uncertainties existing on the scale, nature and deliverability of the needs to be addressed.</p>		<p>Thurrock should accommodate some of London's objectively assessed need is based on a robust evidence which properly justifies the policy approach and spatial strategy underpinning the Local Plan.</p> <ul style="list-style-type: none"> <li>• Ensure that the plan-making process is taken forward with full cross party support and active member involvement.</li> </ul>	
<p><b>Production of a statutory strategic plan for South Essex</b></p> <p>In January 2018, Cabinet agreed that the Council could in partnership with the other authorities in the association make progress towards the preparation and delivery of a statutory joint strategic plan. Although, the scope of the emerging plan is still to be defined the content will have a significant impact on the shape and type of policies contained within the emerging Local Plan. As such delays in producing this document will directly impact upon the timetable for the emerging Local Plan.</p>	<p><b>Medium</b></p>	<ul style="list-style-type: none"> <li>• Continue to play an active role in the production of the South Essex Strategic Plan</li> <li>• Ensure that the plan-making process is taken forward with full cross party support and active member involvement.</li> <li>• Employ temporary staff and where appropriate consultants to influence and support the production of the strategic plan</li> <li>• Provide satisfying work, a supportive environment and opportunities for personal development.</li> <li>• Keep the LDS under review and amended accordingly.</li> </ul>	<p><b>Medium</b></p>

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